



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the U.S. Patent Application of

Matsumoto

Examiner:

Serial No.: 10/006,742

Art Unit:

Filing Date: February 15, 2002

Docket No.: 0022-3463

For: Method for Measuring Digging Position

Director of Patents, U.S. Patent Office
Washington, D.C. 20231

DECLARATION OF ADRIENNE SHIRLEY

SIR:

I, Adrienne Shirley, do hereby declare:

1. I am a resident of Scarsdale, New York.
2. I work as Legal Staff at the law firm Lackenbach Siegel, LLP, also of Scarsdale, New York.
3. I assist Myron Greenspan, one of the partners of this firm, in a range of activities, including the preparation of responses to Actions from the U.S. Patent Office.
4. On or before October 25, 2002, I prepared the response to the Notice to File Corrected Application Papers (mailed July 17, 2002). This response included a

“Submission of Corrected Application Papers,” which I drafted, and the preparation of a “clean” specification and of corrected formal drawings. I also prepared a return card, requested and obtained a check in the amount of \$400.00 to cover extension fees and prepared an envelope and label for these materials.

5. On or before October 25, 2002, I submitted these materials to Mr. Greenspan for his review and signature. He reviewed and o.k.-ed the materials.

6. On October 25, 2002, he signed the “Submission” and the Certificate of Mailing. I then collated the materials, made two photocopies and placed the originals in the labeled envelope for mailing to the U.S. Patent Office. I placed the envelope in a wire bin in our office that is set out for U.S. and international mail, and this envelope was stamped and mailed in the course of business on that day.

7. On November 2, 2002, our office received a Notice that our submission of corrected papers had been destroyed when it had been “sanitized” at the U.S. Patent Office. A second copy of the materials, with a Declaration, has been requested.

8. I hereby attest to the fact that the materials included with this Declaration are true copies of the materials mailed to the U.S. Patent Office on October 25, 2002, and that, to my knowledge, no other materials have been added or omitted.

9. Myron Greenspan, the partner who reviewed these materials and who signed the covering document and Certificate of Mailing left the area on December 25, 2002, to go with his family on a cruise in the Caribbean. He will not return to the office until Monday,

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January 6, 2003. For this reason, he is unable to make a timely Declaration before the due date of January 2, 2003. However, if such a Declaration is necessary, he will be glad to do so at the beginning of the week of January 6, 2003; and the U.S. Patent Office should contact the undersigned, Adrienne Shirley, by telephone at 914 723 4300 to request the same.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January 2, 2003

Adrienne Shirley
Adrienne Shirley

/as